

USDC - DVT
2:25-cv-339SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION

SunCommon II, LLC
Plaintiff

v.

Alexander Grayson,
Defendant

Civil Action No. 25-CV-01267

NOTICE OF FILING OF NOTICE OF REMOVAL

TO: Margaret Villeneuve, Clerk of Court
 Vermont Superior Court
 Washington Unit, Civil Division
 65 State Street, Montpelier, VT 05602

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 and 1446, DEFENDANT ALEXANDER GRAYSON by and through his attorneys, JACKSON LEWIS P.C., have this day filed in the Clerk's Office of the United States District Court for the District of Vermont, a Notice of Removal of this case, as shown by copy attached, and in accordance with the above statutes, the State Court proceedings should proceed no further herein, unless and until the case is remanded.

Respectfully Submitted,

ALEXANDER GRAYSON

By his attorneys,

JACKSON LEWIS P.C.,

Date: March 22, 2025

By: /s/ John D. Prendergast
 John D. Prendergast (VT Bar No. 5621)
 100 International Drive, Suite 363
 Portsmouth, NH 03801
 Direct - 603.559.2705
 john.prendergast@jacksonlewis.com

Certificate of Service

I hereby certify that the foregoing was served by electronic filing to all parties.

Date: March 22, 2025

By: /s/ John D. Prendergast
John D. Prendergast

4938-2745-7069, v. 1

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONTSunCommon II, LLC
Plaintiff

v.

Civil Action No. _____

Alexander Grayson,
Defendant**NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 and 1446, DEFENDANT ALEXANDER GRAYSON, by and through his attorneys, JACKSON LEWIS P.C., hereby removes this action from the Superior Court, Civil Division, Washington Unit, of the State of Vermont to the United States District Court for the District of Vermont.

In support of this Notice of Removal, Defendant states as follows:

1. By Complaint filed on or about March 21, 2025, Plaintiff SunCommon II, LLC, instituted claims against Defendant in the Superior Court, Civil Division, Washington Unit, pleading claims for injunctive relief and breach of contract, and simultaneously moving for a temporary restraining order and preliminary injunction. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint is attached as Exhibit A, certified copies of which will be forwarded upon receipt of the state court record. A copy of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction is attached as Exhibit B.

2. **Defendant disputes that Plaintiff is entitled to temporary or preliminary injunctive relief and will object to the Motion for Temporary Restraining Order and Preliminary Injunction. Defendant asks that the Court set a briefing schedule and not grant injunctive relief without affording Defendant the opportunity to object.**

3. Pursuant to 28 U.S.C. § 1446, this notice of removal is timely filed one day after the action was initiated, and the Plaintiff sent courtesy copies of the attached pleadings to the undersigned counsel.

4. Defendant has not served any answer or responsive pleading to the Complaint.

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1441(a), and it may be removed to this Court by Defendant because, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between the parties in that:

a. According to the Complaint, Plaintiff is a Delaware Limited Liability Company with a principal place of business at 442 US-2, Waterbury, Vermont 05676. An Affidavit of Joshua Sanger is attached to the Motion for Temporary Restraining Order and Preliminary Injunction. Mr. Sanger identifies himself as the owner of Clean Royalties, the parent company of SunCommon II, LLC. Upon information and belief, Mr. Sanger is a citizen of Texas.

b. Defendant is a citizen of New York.

c. A reasonable reading of the Complaint establishes that the \$75,000 amount in controversy requirement under 28 U.S.C. §1332(a)(1) is satisfied.

6. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a).

7. Defendant submits this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

Respectfully Submitted,

ALEXANDER GRAYSON

By his attorneys,

JACKSON LEWIS P.C.,

Date: March 22, 2025

By: /s/ John D. Prendergast
John D. Prendergast (VT Bar No. 5621)
100 International Drive, Suite 363
Portsmouth, NH 03801
Direct - 603.559.2705
john.prendergast@jacksonlewis.com

Certificate of Service

I hereby certify that the foregoing was served by electronic filing to all parties.

Date: March 22, 2025

By: /s/ John D. Prendergast
John D. Prendergast

4898-7406-3661, v. 1